

By: Van Arsdale

H.B. No. 100

A BILL TO BE ENTITLED

AN ACT

relating to the award of certain highway contracts by the Texas Department of Transportation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 223.0041(c), Transportation Code, is amended to read as follows:

(c) If [~~For a maintenance contract involving an amount less than \$100,000, if~~] the lowest bidder withdraws its bid prior to contract award or fails to execute the contract, the director may recommend to the commission that the contract be awarded to the second lowest bidder. The commission may award the [~~maintenance~~] contract to the second lowest bidder if the second lowest bidder agrees to accept a bid price that is within five percent of the bid price [~~the unit bid prices~~] of the lowest bidder. The commission shall adopt rules governing the conditions under which the department will allow the withdrawal of the bid of the lowest bidder and consider awarding a [~~maintenance~~] contract to the second lowest bidder.

SECTION 2. (a) The changes in law made by this Act to the Texas Department of Transportation's contract procedures apply only to a highway project for which the department first solicits bids on or after September 1, 2005.

(b) A highway project for which the Texas Department of Transportation first solicited bids before September 1, 2005, is

1 governed by the law as it existed immediately before the effective
2 date of this Act, and that law is continued in effect for that
3 purpose.

4 SECTION 3. This Act takes effect September 1, 2005.

79TH LEGISLATURE

COAUTHOR AUTHORIZATION

(please request your coauthors to sign this form
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 100

Corbin Van Arsdale
signature of **primary** author

Corbin Van Arsdale
printed name of **primary** author

12/01/04
Date

PERMISSION TO SIGN HB 100 HAS BEEN GIVEN TO (check only one of the following):
(bill or resolution #)

☒ ALL REPRESENTATIVES
☐ THE FOLLOWING REPRESENTATIVE(S): _____

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2100 Allen, Alma</u>	<u> </u> Date	<u>A2435 Coleman</u>	<u> </u> Date	<u>A2800 Escobar</u>	<u> </u> Date
<u>A2115 Allen, Ray</u>	<u> </u> Date	<u>A2450 Cook, Byron</u>	<u> </u> Date	<u>A2795 Farabee</u>	<u> </u> Date
<u>A2125 Alonzo</u>	<u> </u> Date	<u>A2565 Cook, Robert "Robby"</u>	<u> </u> Date	<u>A2810 Farrar</u>	<u> </u> Date
<u>A2150 Anchia</u>	<u> </u> Date	<u>A2595 Corte</u>	<u> </u> Date	<u>A2840 Flores</u>	<u> </u> Date
<u>A2155 Anderson</u>	<u> </u> Date	<u>A2605 Crabb</u>	<u> </u> Date	<u>A2850 Flynn</u>	<u> </u> Date
<u>A2160 Bailey</u>	<u> </u> Date	<u>A2610 Craddick</u>	<u> </u> Date	<u>A2860 Frost</u>	<u> </u> Date
<u>A2170 Baxter</u>	<u> </u> Date	<u>A2640 Crownover</u>	<u> </u> Date	<u>A2920 Gallego</u>	<u> </u> Date
<u>A2205 Berman</u>	<u> </u> Date	<u>A2620 Davis, John</u>	<u> </u> Date	<u>A2960 Gattis</u>	<u> </u> Date
<u>A2220 Blake</u>	<u> </u> Date	<u>A2625 Davis, Yvonne</u>	<u> </u> Date	<u>A2945 Geren</u>	<u> </u> Date
<u>A2230 Bohac</u>	<u> </u> Date	<u>A2635 Dawson</u>	<u> </u> Date	<u>A2935 Giddings</u>	<u> </u> Date
<u>A2250 Bonnen</u>	<u> </u> Date	<u>A2680 Delisi</u>	<u> </u> Date	<u>A2910 Gonzales</u>	<u> </u> Date
<u>A2280 Branch</u>	<u> </u> Date	<u>A3385 Denny</u>	<u> </u> Date	<u>A2985 Goodman</u>	<u> </u> Date
<u>A2265 Brown, Betty</u>	<u> </u> Date	<u>A2690 Deshotel</u>	<u> </u> Date	<u>A2990 Goolsby</u>	<u> </u> Date
<u>A2270 Brown, Fred</u>	<u> </u> Date	<u>A2705 Driver</u>	<u> </u> Date	<u>A3010 Griggs</u>	<u> </u> Date
<u>A2255 Burnam</u>	<u> </u> Date	<u>A2665 Dukes</u>	<u> </u> Date	<u>A3020 Grusendorf</u>	<u> </u> Date
<u>A2295 Callegari</u>	<u> </u> Date	<u>A2660 Dunnam</u>	<u> </u> Date	<u>A3045 Guillen</u>	<u> </u> Date
<u>A2290 Campbell</u>	<u> </u> Date	<u>A2650 Dutton</u>	<u> </u> Date	<u>A3035 Haggerty</u>	<u> </u> Date
<u>A2490 Casteel</u>	<u> </u> Date	<u>A2770 Edwards</u>	<u> </u> Date	<u>A3050 Hamilton</u>	<u> </u> Date
<u>A2495 Castro</u>	<u> </u> Date	<u>A2775 Eiland</u>	<u> </u> Date	<u>A2695 Hamric</u>	<u> </u> Date
<u>A2585 Chavez</u>	<u> </u> Date	<u>A2780 Eissler</u>	<u> </u> Date	<u>A3160 Hardcastle</u>	<u> </u> Date
<u>A2480 Chisum</u>	<u> </u> Date	<u>A2785 Elkins</u>	<u> </u> Date	<u>A3165 Harper-Brown</u>	<u> </u> Date

A3170 Hartnett	Date	A3560 Leibowitz	Date	A4215 Raymond	Date
A3190 Hegar	Date	A3620 Luna	Date	A4236 Reyna	Date
A3140 Herrero	Date	A3715 Madden	Date	A4220 Riddle	Date
A3250 Hilderbran	Date	A3780 Martinez	Date	A4250 Ritter	Date
A3275 Hill	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3305 Hochberg	Date	A3665 McCall	Date	A4350 Rose	Date
A3290 Hodge	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3325 Homer	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3320 Hope	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4530 Smithee	Date
A3315 Howard	Date	A3835 Miller	Date	A4550 Solis	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4505 Solomons	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4545 Strama	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4570 Swinford	Date
A3375 Isett	Date	A3865 Mowery	Date	A4585 Talton	Date
A3350 Jackson	Date	A3885 Naishtat	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3895 Nixon	Date	A4630 Thompson	Date
A3420 Jones, Elizabeth Ames	Date	A3900 Noriega	Date	A4660 Toureilles	Date
A3400 Jones, Jesse	Date	A3880 Oliveira	Date	A4650 Truitt	Date
A3475 Keel	Date	A3886 Olivo	Date	A4685 Turner	Date
A3410 Keffer, Bill	Date	A3930 Orr	Date	A4695 Uresti	Date
A3480 Keffer, Jim	Date	A3945 Otto	Date	A4700 Van Arsdale	Date
A3470 King, Phil	Date	A4100 Paxton	Date	A4725 Veasey	Date
A3465 King, Tracy	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4900 Vo	Date
A3485 Krusee	Date	A4180 Pickett	Date	A4995 West	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A4985 Wong	Date
A3510 Laney	Date	A4200 Puente	Date	A5005 Woolley	Date
A3540 Laubenberg	Date	A4230 Quintanilla	Date	A5150 Zedler	Date

H.B. No. 100

By Va. Abdul

A BILL TO BE ENTITLED
AN ACT

relating to the award of certain highway contracts by the Texas Department of Transportation.

NOV 10 2004

Filed with the Chief Clerk

JAN 31 2005

Read first time and referred to Committee on Transportation

Reported favorably (as amended)
(as substituted)

Sent to Committee on (Calendars)
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of yeas, nays, present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

Read second time, , and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

Senate and Constitutional 3 Day Rules suspended by a vote of yeas, nays

Read third time, , and passed by (a viva voce vote)
(yeas, nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)